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COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision Concerning Explanatory Statements by Claimants in categories "D", "E" and "F" taken by the Governing Council of the United Nations Compensation Commission at its 75th meeting, held on 2 February 1998 at Geneva

The Governing Council,

Conscious of the fact that the work of the Commission has progressed to the point where the Commissioners are considering claims in categories "D", "E", and "F", where the documents and other evidence must exceed the reasonable minimum that was required for claims in categories "A", "B" and "C", and also of the need at this stage for the Governing Council to give clear guidance to the Panels of Commissioners in categories "D", "E" and "F" with respect to such documents and other evidence,

Recalling that claims received in categories "D", "E" and "F" must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss in accordance with the Provisional Rules for Claims Procedure and the criteria established by the Governing Council,

Decides that in accordance with the Provisional Rules for Claims Procedure and the criteria established by the Governing Council for category "D", "E" and "F" claims, no loss shall be compensated by the Commission solely on the basis of an explanatory statement provided by the claimant, and

Reaffirms that, pursuant to article 31 of the Provisional Rules for Claims Procedure, the amounts recommended by the Panels of Commissioners can only be approved when they are in accordance with this decision.

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Decision Concerning Part One of the First Instalment of Individual Claims for Damages above US$100,000 (Category "D" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 75th meeting, held on 2 February 1998 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure, the first report of the Panel of Commissioners appointed to review individual claims for damages above US$100,000 (category "D" claims), covering 69 individual claims, [1]/

Having been assured in writing by the Panel, in response to a request by the Governing Council for additional information, that the Panel consistently required documentary and other appropriate evidence in accordance with established criteria adopted by the Governing Council and only in exceptional situations and for an element of loss relied on Acceptable Explanatory Statements (as defined in paragraph 75 of the report) in conjunction with such documentary and other appropriate evidence to determine that a loss was compensable, [2]/

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

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[1]/ The text of the report is attached hereto (document S/AC.26/1998/1). In conformity with the provisions on confidentiality in the Provisional Rules for Claims Procedure (articles 30, paragraph 1, and 40, paragraph 5), a table containing the breakdown of the amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government and international organization separately.

[2]/ The text of the explanatory letter of 19 January 1998 by the Chairman of the Panel, contained in document S/AC.26/1998/2, is attached hereto.

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning 61 claims included in the report. The aggregate amounts per country or international organization, as listed in annex II of the report, are as follows:

Country or International Organization	Number of Claims Recommended for Payment	Number of Claims Not Recommended for Payment	Amount of Compensation Recommended (US$)
Australia	2	-	105,307.00
Brazil	0	3	0.00
Canada	9	-	474,954.00
France	1	-	137,854.00
Germany	1	-	55,360.00
India	3	-	52,283.00
Ireland	1	-	7,400.00
Israel	1	-	98,429.00
Italy	1	-	88,584.00
Jordan	8	2	407,042.00
Kuwait	13	-	1,252,509.00
Pakistan	1	-	25,572.00
Sudan	1	-	24,913.00
Sweden	1	-	10,000.00
United Kingdom	5	-	187,560.00
United States	5	2	2,424,418.00
UNDP Washington D.C.	1	-	53,976.00
Total Recommended	54	7	5,406,161.00

3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],

4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], Governments and international organizations shall distribute amounts received in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Notes that no recommendations have been made at this stage for 7 claims referred to in paragraph 19 and one claim referred to in paragraph 31 of the report,

6. Requests the Executive Secretary to provide a copy of the report to the Secretary-General and the Government of the Republic of Iraq and copies of the report and the tables containing the breakdown of the amounts to be paid to each individual claimant to each respective Government and international organization.

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COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision Concerning the Return of Undistributed Funds taken by the Governing Council of the United Nations Compensation Commission at its 75th meeting, held on 2 February 1998 at Geneva

The Governing Council,

Bearing in mind that, in accordance with its Decision 18 [S/AC.26/Dec.18 (1994)], Governments should distribute funds to claimants within six months of receiving payment from the Compensation Commission and provide information on the amounts distributed not later than three months after the expiration of the time limit for the distribution of each payment received from the Compensation Commission;

Noting that a number of Governments have not been able to locate claimants in order to distribute funds within this time limit and have indicated that they would need additional time to distribute the funds;

Wishing to allow a reasonable additional period of time during which such claimants can receive payment on a priority basis after they have been located;

Decides the following:

(a) Twelve months after a Government has received each payment for distribution, any undistributed funds shall be returned to the secretariat of the Compensation Commission with a list of the claimants who have not received payments and the amount of payment due to each claimant who has not been paid,

(b) The secretariat of the Commission will, from the date the return of payment is due, hold the returned payments in reserve for a further twelve months during which time payment will be made to the claimants, through their Government, as soon as the Government notifies the secretariat that they have been located and that payment can be made,

(c) After the twelve-month period, referred to in paragraph (b) above, any undistributed funds will not be held in reserve for payment to those claimants who have not been located for payment. However, payments shall be made to such claimants, as soon as they have been located, through their Governments from any balances in the Compensation Fund that are not needed for the Commission's administrative budget or operating reserve or for scheduled payments of claims awards approved by the Governing Council.

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COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision Concerning Part Two of the First Instalment of Individual Claims for Damages above US$100,000 (Category "D" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 77th meeting, held on 11 March 1998 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure, the report of the Panel of Commissioners appointed to review individual claims for damages above US$100,000 (category "D" claims), covering one individual claim,[1]/

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amount of the recommended award of US$19,694,518.81 concerning the claim submitted by the Government of Kuwait covered in the report,

3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],

4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], the claimant's Government shall distribute amounts received in respect of the approved award within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, the Government of Kuwait and the Government of the Republic of Iraq.

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[1]/ The text of the report is attached hereto (document S/AC.26/1998/3).

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Decision Concerning Part Two of the First Instalment of Claims by Governments (Category "F" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 77th meeting, held on 11 March 1998 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure, the report of the Panel of Commissioners appointed to review claims by Governments and international organizations (category "F" claims), covering two claims, [1]/

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amount of the recommended award of US$20,853,796 concerning the claims of the Government of Kuwait covered in the report,

3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],

4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], the claimant Government shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, the Government of Kuwait and the Government of the Republic of Iraq.

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[1]/ The text of the report is attached hereto (document S/AC.26/1998/4).

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GOVERNING COUNCIL

Decision Concerning the Correction of Awards for Category "A" Claims Pursuant to Article 41 of the Provisional Rules For Claims Procedure taken by the Governing Council of the United Nations Compensation Commission at its 77th meeting, held on 11 March 1998 at Geneva

The Governing Council,

Having received, in accordance with article 41 of the Provisional Rules For Claims Procedure (S/AC.26/1992/10) (the "Rules"), a report by the Executive Secretary covering 4 claims in category "A", [1]/

1. Decides, pursuant to article 41 of the Rules, to correct the amounts of the approved awards for one claim from the first instalment, one claim from the second instalment, one claim from the fourth instalment and one claim from the sixth instalment. [2]/ The aggregate corrected amounts per country, by claim instalment, are as follows:

Instalment	Country	Previous Total Recommended Award (US$)	Corrected Total Recommended Award (US$)
First	United States of America	889,500.00	887,000.00
Second	India	50,127,500.00	50,123,500.00
Fourth	Sudan	10,218,000.00	10,222,000.00
Sixth	Russian Federation	3,380,000.00	3,384,000.00

2. Directs the Executive Secretary to effect the above corrections and to provide copies of the tables containing the breakdown of the amounts to be paid to the affected individual claimants to each respective Government.

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[1]/ The text of the report is attached (document S/AC.26/1998/5).

[2]/ In conformity with the provisions on confidentiality in the Provisional Rules For Claims Procedure (articles 30, paragraph 1, and 40, paragraph 5), a table containing the breakdown of the corrected amounts to be paid to each individual claimant will not be made public, but will be provided to each respective Government separately.